19/49. File No. Extra-Prov. Juris. II/149(R)

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Legal DEPARTMENT

B BRANCH

Subject.

Rules under the Extra Provincial Jurisdiction Act, 1927.

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Legal Department.

By the Indian States (Application of Laws)Order, 1948, it was proposed that the laws relating to legal practitioners i.e. the Legal Practitioners Act, 1879, the Indian Bar Councils Act, 1926 and the Bombay Pleaders Act, 1920 should apply to the integrated States with effect from 15-9-1948 or earlier. It was represented that the time given to the pleaders to apply for fresh sanads, to put forward their suggestions etc. was insufficient. The High Court, therefore, in its letter dated 4-9-1948 at p. 23 requested that application of these Acts to the States may be postponed till the beginning of January 1949. Accordingly by Govt. Order, P. and S.D. No. 3323/46-F, dated 9-9-1948, the three Acts have been applied to these States with effect from 1st January 1949.

2. As some representations were received by Government the views of Government in the matter were communicated to the High Court by P. and S.D. letter No. 3323/46-F, dated 7-10-1948. The draft letter was approved by H.M.(L) and H.P. After taking into consideration the various representations received from the Bar Associations concerned and the proposals made by Government, the High Court has now made the rules at pages 31-33 ante regarding the granting of sanads to legal practitioners in the merged and integratd States. The rules made by the High Court were examined by the Special Officer(Mr. Tukol) in his note dated 24-12-1948 and found suitable.

3. Under these rules all qualified pleaders holding permanent Sanads will be entitled to practice without payment of any further fees. Qualified pleaders holding temporary Sanads will be granted permanent Sanads on payment of the requisite fees. They will, however, be required to pay only the difference between the b

the fees already paid by them and the fees prescribed under the Bombay Pleaders Act.

4. Among the Sanadi pleaders a distinction has been made between those who have passed some test or examination in law prescribed by the State and those who have not passed such test or examination. The former are treated on a par with the qualified pleaders. In the case of the latter those who have completed practice for 10 years or more and hold permanent Sanads, will be entitled to practise in the whole District No fresh fees will be charged to them. Those who have put in less than 10 years practice will be entitled to practise in specified Court or Courts. Only the difference in fees will have to be paid by them.

5. Three months time is given from 1-1-1949 or from the date of formation of the judicial district, whichever is later, to obtain fresh Sanads. The present Sanads are extended to enable the pleaders to obtain fresh Sanads within the period of three months stated above.

6. Pleaders who possess the necessary qualifications are entitled to be enrolled as Advocates (O.S. on A.S.) The applications of pleaders who do not possess the necessary qualifications but were practising in High Courts of merged or integrated areas, for enrolement as Advocates (O.S. or A.S.) will be considered on merits of each case. Only the difference in fees will have to be paid for such enrolment.

7. As observed by the Special Officer the rules are liberal and there would be no grievance or complaint.

Id/- J.R.D.

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Remembrancer of Legal Affairs.

U.R. to H.D.,No. 702, dated the 20th January 1949.